

## Sunset of the Temporary Disposal Exemptions for Universal Waste: Frequently Asked Questions (FAQs)

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### General Questions

#### 1. What has changed?

*Until February 8, 2006 households and some small businesses were allowed to put waste batteries, electronic devices, and fluorescent light bulbs in the trash. Homeowners were also allowed to throw away mercury-containing thermostats until that date. As of February 8, these items, called universal wastes, may no longer be placed in the trash.*

#### 2. What are universal wastes and why can't I put them in the trash?

*Universal wastes are hazardous wastes that are generated by several sectors of society, rather than a single industry or type of businesses. Hazardous wastes contain harmful chemicals, which, if put in the trash may harm people or the environment. Universal wastes include:*

- **Common Batteries** – AA, AAA, C cells, D cells and button batteries (e.g. hearing aid batteries). These may contain a corrosive chemical that can cause burns as well as toxic heavy metals like cadmium. (Automotive type batteries are not universal waste. When they become waste, they are regulated under a different law.)
- **Fluorescent Tubes and Bulbs and Other Mercury-Containing Lamps** – Fluorescent light tubes and bulbs, high intensity discharge (HID), metal halide, sodium, and neon bulbs. These lights contain mercury vapor that may be released to the environment when they are broken. Mercury is a toxic metal that can cause harm to people and animals including nerve damage and birth defects. If mercury is released into the environment it can contaminate the air we breathe and enter streams, rivers, and the ocean, where it can contaminate fish that people eat.
- **Electronic Devices** such as: televisions and computer monitors, computers, printers, VCRs, cell phones, telephones, radios, and microwave ovens. These devices often contain heavy metals like lead, cadmium, copper, and chromium.
- **Mercury-Containing Devices** – thermostats, switches, thermometers, dental amalgam, pressure and vacuum gauges, novelty items, counterweights and dampers, medical devices known as dilators and weighted tubing, certain rubber flooring, and gas flow regulators used in older residential gas meters.
- **Non-Empty Aerosol Cans that Contain Hazardous Materials** – Many products in aerosol cans are toxic. And many aerosol cans contain flammables, like butane, as

*propellants for products like paint. If your aerosol can is labeled with words like TOXIC or FLAMMABLE, don't put it in the trash unless it is completely empty.*

### **3. What happens if I throw universal waste in the garbage?**

*Like used motor oil and paint, universal waste is a kind of hazardous waste. It is illegal to dispose of hazardous waste in the garbage. In addition, by throwing universal waste in the garbage, you can cause additional hazards to your garbage handler. Eventually, chemicals in illegally disposed hazardous waste can be released into the environment and contaminate our air, water, and possibly the food we eat.*

### **4. If I can't throw this stuff in the trash how do I get rid of it?**

*Many local government agencies run programs that help households and small businesses recycle or properly dispose of their hazardous wastes. Additionally, some retailers will collect certain universal wastes, such as batteries. For information on local collection programs, contact your municipal waste service provider or click [here](#) for the list of Household Hazardous Waste Program Web links. You can also check <http://www.earth911.org> for a universal waste collection program near you.*

### **5. How do I know if a particular electronic device can't be thrown in the trash?**

*The Department of Toxic Substances Control (DTSC) has tested many electronic devices including: tube-type and flat panel televisions and computer monitors, laptop computers, computers (CPUs), printers, radios, microwave ovens, VCRs, cell phones, cordless phones, and telephone answering machines. The devices that DTSC tested contained concentrations of metals (lead and copper) high enough to make them hazardous wastes when they are discarded. Unless you are sure they are not hazardous, you should presume these types of devices need to be recycled or disposed of as hazardous waste and that they may not be thrown in the trash. For additional assistance, you can call the Waste Evaluation help line at (916) 322-7676.*

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## **Questions about Compliance and Enforcement**

### **6. Is there a phase-in period for compliance with the expiration of the disposal exemptions?**

*No, the exemption expired on February 8, 2006. However, in the view of the California Integrated Waste Management Board (CIWMB) and the DTSC, local enforcement agencies (LEAs) and certified unified program agencies (CUPAs) should take into account the need for a short transition period for owners/operators to implement any new requirements and that LEAs and CUPAs should continue to prioritize enforcement on violations that present immediate risks to the public health or the environment.*

### **7. Is there a tolerance level for the amount of universal wastes commingled with loads of non-hazardous solid waste? For example, will an LEA or CUPA issue a violation for finding a CD player or electronic toy in the solid waste?**

*The regulations do not provide for an acceptable amount of universal waste that can be commingled with non-hazardous solid waste. However, other hazardous wastes are currently inadvertently commingled with loads of non-hazardous solid waste (e.g., paint, oil, pesticides). The DTSC and IWMB expect that operators of solid waste facilities will continue to operate in accordance with existing load checking requirements and permit terms and conditions. The LEA will need to continue to exercise their sound discretion and to use their current methods of evaluating the effectiveness of the load checking and other programs designed to identify and remove hazardous waste from the solid waste stream prior to disposal. It should not be required for the load check program described in the Report of Facility Information (RFI) to list each and every type of waste that could possibly be defined as hazardous, but the load checking activity should be reasonably effective in identifying and removing hazardous waste from those loads that are required to be load checked in accordance with permit requirements and as appropriate to protect the health and safety of the facility employees.*

*CD players and electronic toys should be managed based on the handler's knowledge of the waste or on testing results. DTSC does not have specific data showing these devices would be universal waste electronic devices. The devices can be managed as nonhazardous solid waste unless you have information or knowledge that an electronic device is hazardous.*

- 8. The CIWMB January 11, 2006 guidance document states: "If an operator fails to take steps to prevent hazardous waste from being received or removed from the commingled waste stream then violations should be noted and appropriate enforcement action should be taken." Please clarify this statement.**

*Title 14 and Title 27 require operators of transfer facilities and landfills, respectively to implement programs to prevent acceptance of prohibited materials. It is understood that no load check program will be able to prevent all hazardous waste from entering a solid waste facility. The load check program must therefore include procedures for removing hazardous waste that is identified entering a facility. Failure to take steps to in accordance with an approved load checking program or permit requirements in recognition of worker health and safety should be noted and appropriate enforcement action should be taken.*

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### **Questions about the Requirements for a Collection Site**

- 9.A. May a solid waste facility operator set up a drop off spot at the landfill for universal wastes or would this be considered acceptance of hazardous waste, which is prohibited at a landfill or transfer station?**

*A transfer station and a landfill can accept hazardous waste if the site has been approved to do so pursuant to 14 CCR 17407.5(b) and 27 CCR 20870(b) respectively. Many sites are already approved to accept wastes such as antifreeze, batteries, oil and paint (ABOP). For these sites only minor modifications to the operating record would be required to reflect the additional waste types to be collected. An operator may set up new collection activities for universal wastes without authorization from DTSC or a*

CUPA. The activities must meet the universal waste handler requirements of 22 CCR, Division 4.5, Chapter 23. With respect to solid waste permit documents, sites starting up new universal waste collection activities would follow the same procedure they would follow to add an ABOP program.

**9.B. Would the owner/operator need to modify the solid waste permit to set up the drop off spot?**

*Adding universal waste to the other types of hazardous waste received would not in most circumstances require a permit revision. The Report of Facility Information (RFI) for the facility in which a HHW facility is located must properly identify the HHW facility or other universal waste handling activity within the permitted boundary, but the solid waste facility permit should not need to be changed unless the permit contains specific terms or conditions that would be inconsistent with the establishment of such activities (e.g., no hazardous waste). However, if a program to collect hazardous waste is being proposed for the first time where the permit includes specific restrictions, the permit may need to be revised to remove the restriction prior to allowing the new activity from taking place. In addition, adjustment may need to be made to CEQA documents and conditional use permits.*

**9.C. If the owner/operator adds new services to divert Household Hazardous Waste (HHW) would they also have to update the HHW element of their Integrated Waste Management Plan?**

*Jurisdictions would not have to formally revise their Household Hazardous Waste Elements but they should update these elements by describing the new services in their Annual Reports to the CIWMB.*

**10. In the CIWMB January 11, 2006 guidance document, one of the suggested questions to consider during an inspection asks whether the hazardous waste collection and storage areas are identified in site plans or reports. If the storage areas are not clearly designated is that a violation or a need for a permit change?**

*The current requirement is that hazardous waste handling areas be identified in the RFI. Unless there is a solid waste facility permit condition specifically controlling the storage area, there is no need to change the permit to designate the extent of the storage area. If the storage area is not clearly designated in the RFI or other site plans, the LEA should take into account the need for a transition period and require the owner/operator to update the RFI or site plan in a timely manner.*

**11. Also in the CIWMB guidance document (1/11/06), how is one to determine what “adequate signage” is or if we are “appropriately implementing the load check program”?**

*See answer to question 7.*

**12. What actions are expected of the owner/operator when universal wastes are discovered at the working face of a landfill, the tipping floor of a transfer/processing facility, or other unauthorized area of a solid waste facility/operation?**

*The same actions that are currently taken when any hazardous waste is discovered should continue to be taken in accordance with the site's load checking or hazardous waste identification and exclusion program.*

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**Questions about Collections by Solid Waste Haulers of Universal Waste that is Commingled with Trash**

**13. What should the driver of a solid waste collection vehicle do if he or she notices universal waste (e.g., fluorescent tubes, microwave ovens, TVs, computers, VCRs) in a solid waste container, commingled with trash?**

- a. Remove the item and transport it in a suitable separate container to the solid waste facility where it can be stored with other hazardous wastes removed during "load-checking"?**

*This would be the safest approach but it may not always be possible.*

- b. Leave the item in the trash and transport the commingled load to a solid waste facility?**

*This depends upon the case-specific factors. If the universal waste can be safely removed, it should be.*

- c. Remove the item from the trash and leave it at the curbside?**

*If the driver cannot properly manage the waste once removed from the container, he or she should not remove it. Universal waste should not be left curbside by the solid waste hauler.*

- d. Leave the container at the curbside with a notice to the generator (either residential or commercial) that the waste in the container is not in compliance with state law and cannot be picked up unless the universal waste(s) are removed?**

*A solid waste hauler is within his rights to refuse to accept a load obviously contaminated with universal wastes or any other hazardous waste.*

*In summary, DTSC and CIWMB recommend that a driver who notices universal waste in a solid waste container do one of the following (in order of preference):*

- a. Remove the item and transport it in a suitable separate container to the solid waste facility where it can be stored with other hazardous wastes removed during "load-checking." Notification should be made to the resident that universal waste may not be placed in the trash.*

- b. *Leave the item in the solid waste container and take the entire load to the load-checking station for subsequent removal. Notification should be made to the resident that universal waste may not be placed in the trash.*

**14. What are the consequences for a solid waste hauler that unknowingly collects universal waste that is commingled with municipal solid waste?**

*Under Health and Safety Code section 25163(e), a solid waste operator who unknowingly transports hazardous waste to a solid waste facility, incidental to the collection of solid waste is not subject to hazardous waste transporter registration requirements.*

*A solid waste hauler that discovers, after the fact, that it has unknowingly transported universal waste in a load of solid waste should remove the universal waste at the solid waste facility and manage it in accordance with the DTSC's regulations. Provided the hauler complies with all applicable universal waste handler and/or CRT material handler standards, there should not be a problem.*

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**Other resources**

DTSC's web page on universal wastes:

- <http://www.dtsc.ca.gov/HazardousWaste/UniversalWaste/index.cfm>

California Integrated Waste Management Board's universal waste web page:

- <http://www.ciwmb.ca.gov/WPIE/HazSub/UniWaste.htm>
- <http://www.ciwmb.ca.gov/LEACentral/UniWaste/default.htm>

California Recycling:

- <http://www.recycle.ca.gov/>

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